CLERK'S OFFICE U.S. DIST. COURT AT ABINGDON, VA

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA BIG STONE GAP DIVISION

DEC # 1 2008

JOHN F. GORCORAN, CLERK

DONALD POWERS,	DEPUTY CLERK
Plaintiff,) Case No. 2:08CV00017
v.	JUDGMENT
COMMISSIONER OF SOCIAL SECURITY,) By: James P. Jones) Chief United States District Judge
Defendant.)

It appearing that no objections have been timely filed to the Report filed November 7, 2008, setting forth the findings and recommendations of the magistrate judge, it is **ADJUDGED AND ORDERED** as follows:

- 1. The Report and its findings and recommendations are wholly ACCEPTED and APPROVED;
 - 2. The motions for summary judgment by the parties are DENIED;
- 3. The final decision of the Commissioner of Social Security is VACATED and this action is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further consideration in accord with the Report; and
 - 4. The clerk will close this case.

ENTER: December 1, 2008

Chief United States District Judge